IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Bail Appl..No. 3435 of 2007()

CP.75/2005 of J.M.F.C.,VARKALA
CRIME NO.1/2004 OF VARKALA EXCISE RANGE

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PETITIONER

BENSILIN,AGED 50,S/O.SEBASTIAN,
THOTTUMKARAVILA VEEDU,HARIHARAPURAM,NELLETTIL,
AYIROOR VILLAGE,VARKALA.

BY ADV. SRI.JAISON JOSEPH

RESPONDENTS:
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1. STATE OF KERALA REP.BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

2. THE EXCISE INSPECTOR,VARKALA EXCISE
RANGE.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No.3435/2007

DATED: 11-6-2007

O R D E R

Petitioner who is the second accused in C.R. No.1/2004 of Varkala Excise Range for an offence punishable under Section 55(g) of the Abkari Act, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P. No.75/2005 of J.F.C.M, Varkala, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation, this application is disposed of.

V.RAMKUMAR,
JUDGE.

mrcs